UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,137	03/14/2001	Michel Ruffin	Q63172	6322

23373	7590	04/26/2005		EXAMINER	

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	EXAMINER
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ART UNIT	PAPER NUMBER
2661	

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/787,137	RUFFIN ET AL.
	Examiner	Art Unit	
	Tri H. Phan	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 November 2004</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-5</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-5</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment/Arguments

1.   This Office Action is in response to the Response/Amendment filed on November 23rd,

2004. New claims 4-5 are added. Claims 1-5 are now pending in the application.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or
> on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by **Gilbert et**

al. (U.S.5,530,848; hereafter referred as **Gilbert**).

- In regard to claim 1, **Gilbert** discloses in Figs. 1-4 and in the respective portions of the

specification about the system and method for implementing the interface (*"XA/RO interface"*;

For example see Fig. 1; col. 2, lines 21-38; col. 3, lines 24-26) between the external process and

transaction processing system (*"transactional system"*; col. 1, lines 9-29); wherein the input

receive subsystem accepts input messages from external processes such as external computer

systems, CICS regions, batch jobs, etc. (*"the set of transaction initiators and consumers*

connected by the communication channel"; For example see Figs. 1 and 3; col. 3, lines 40-48;

col. 8, lines 39-41; col. 9, lines 33-44; wherein, it is inherent that the external application

connects to the interface system through the *"communication channel"* as disclosed in col. 9,

lines 33-44; col. 12, lines 12-19), the trigger subsystem interrogates the log file (For example see

Figs. 1 and 2; col. 3, lines 46-60; col. 8, lines 26-32; col. 9, lines 45-54) when the input message

is available for delivery to the transaction processing system for process (*"enable the*

transactional system"; For example see Figs. 1 and 2; col. 4, lines 5-21); where the control

records stored in the log file database are created, updated or deleted (*"perform transactional*

operations on data stored in logging service"; For example see Figs. 1, 3, 8) based on the status

or flag as specified in step 206 in Fig. 2; col.8, lines 47-50; for the *"logging service"* as defined

in col. 2, lines 8-14; via other subsystems such as status subsystem, acknowledgement

subsystem, monitor subsystem, communications monitor subsystem, and communications

subsystem (For example see Fig. 1; col. 4, line 22 through col. 5, line 12; col. 8, line 47 through

col. 9, line 3) under the control of the transaction processing system (For example see Fig. 1; col.

9, lines 22-26).

- Regarding claim 2, **Gilbert** further discloses wherein the input receive subsystem

accepts input messages from external processes such as external computer systems, CICS

regions, batch jobs, etc. (For example see Fig. 3; col. 3, lines 40-48; col. 7, lines 29-31) via a

plurality of input receive modules (*"plurality of communication channels"*; For example see Fig.

3; col. 9, lines 33-44; col. 12, lines 12-19; wherein multiple external applications connect to the

interface system through a plurality of input receive modules within the input receive subsystem,

e.g. the *"communication channels"*, as disclosed in col. 9, lines 33-44) in the transactional

communication system.

- In regard to claim 4, **Gilbert** further discloses about the input receive modules within the input receive subsystem of the interface system are employed to interface to multiple external applications for receiving input messages (*"XA/XO interface"*; For example see Fig. 1; col. 9, lines 33-44); wherein the communications monitor subsystem monitors (*"monitor"*; For example see Figs. 1, 8) records and manages multiple occurrences of the outbound communication process (For example see Figs. 14-16, 8; col. 8; lines 59-65; col. 11, lines 35-45),   (*"apply correct terminal of the transaction operation to the logged data"*; For example see Figs. 7A-B; col. 18, lines 49-62; wherein the unique user ID is created for each message for the system look up as disclosed in col. 1, lines 30-39) and provides the confirming or aborting message (*"confirm or cancel changes"*; For example see Figs.1, 4; Abstract; col. 2, line 65 through col. 3, line 20; col. 12, lines 27-31; col. 17, lines 28-44) to the communications log service (For example see Figs. 1, 3).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Gilbert et al.** (U.S.5,530,848) in view of **Ngai et al.** (U.S.5,850,507; hereafter referred as **Ngai**).

- In regard to claim 3, **Gilbert** discloses all the subject matter of the claimed invention as

discussed in part 3 above of this Office action, about the system and method for implementing

the interface (*"XA/RO interface"*) between the external process and transaction processing

system (*"transactional system"*); wherein the input receive subsystem accepts input messages

from external processes such as external computer systems, CICS regions, batch jobs, etc.

(*"connecting the set of transaction initiators and consumers"*) via a plurality of input receive

modules ("intermediate communication channels"; For example see Fig. 3), the trigger

subsystem interrogates the log file when the input message is available for delivery to the

transaction processing system for process (*"enable the transactional system"*); where the control

records stored in the log file database are created, updated or deleted (*"perform transactional*

operations on data stored in logging service") based on the status or flag for the logging service,

e.g. *"logging service"*, via other subsystems such as status subsystem, acknowledgement

subsystem, monitor subsystem, communications monitor subsystem, and communications

subsystem under the control of the transaction processing system. **Gilbert** does disclose about

the input receive process initializes the input field message, validates and provides with

confirming or aborting message such as ABORT, CONFIRM, ISSUERROR (*"validating the*

operation in the logging service"; For example see Fig. 4; col. 16, lines 3-15; col. 17, lines 28-

44; col. 27, lines 4-19) and tries to recover the non-recoverable error with number of retries (For

example see col. 27, lines 20-26); and tries to recover the non-recoverable error with number of

retries (For example see col. 27, lines 20-26); but fails to explicitly teach the *"enable recovery of*

validated transactional operations". However, such implementation is known in the art.

For example, **Ngai** discloses the validated transactional operations are stored as redo entries and instance recovery operation is restored for instance failure, e.g. recovery after a crash from redo log, with 'rolling back' the transaction (*"enable recovery of validated transactional operations"*; For example see Figs. 5 and 6; col. 6, lines 25-67; col. 7, lines 1-67; col. 8, lines 1-16) to resolve pending distributed transactions that were undergoing a two-phase commit coordinated by the database at the time of the instance failure.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to combine the invention as taught by **Ngai** in the **Gilbert**'s transaction processing system, by implementing the 'rollback' command in the **Gilbert**'s messages, with the motivation being to improve the ability to undoing the changes or recovering the instance failure on the database, e.g. *"enable recovery of validated transactional operations"*, as disclosed in col. 2; lines 50-60.

- Regarding claim 5, **Gilbert** further discloses about the confirming or aborting message (*"confirm or cancel modifications to logged data"*; For example see Figs.1, 4; Abstract; col. 2, line 65 through col. 3, line 20; col. 12, lines 27-31; col. 17, lines 28-44) to the communications log service (For example see Figs. 1, 3); wherein, it is obvious that the *"successive values of the variable"* will be stored in the log service with the 'CONFIRM' message; wherein, it is obvious that the 'unchanged values' will retain as *"old values"*, or *"retains old values"* with the 'ABORT' message.

Response to Arguments

6.   Applicant's arguments filed on November 23rd, 2004 have been fully considered but they

are not persuasive.

        In response to Applicant's argument for claims 1-3 that the references fail to show certain

features as described in an exemplary embodiment of the Applicant's invention, on page 4 of the

specification such as *"the RO or XA interface enables the external transaction monitor to*

confirm or cancel modifications to logged data and recover data" or in the first full paragraph in

page 4 of the specification, wherein Ngai teaches a method contrary to the present invention. It is

noted that, wherein the feature upon which Applicant relies (i.e., confirm or cancel

modifications), is not recited in the rejected claim(s). Although the claims are interpreted in light

of the specification, limitations from the specification are not read into the claims. See *In re Van*

Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

        In regard to claim 1, Applicant argues that **Gilbert** fails to disclose the *"RO or XA*

interface enables the external transaction monitor to confirm or cancel modifications to logged

data and recover data". Examiner respectfully disagrees. **Gilbert** does disclose the input receive

modules within the input receive subsystem of the interface system are employed to interface to

multiple external applications for receiving input messages (For example see Fig. 1; col. 9, lines

33-44); wherein the communications monitor subsystem monitors (For example see Figs. 1, 8)

records and manages multiple occurrences of the outbound communication process (For example

see Figs. 14-16, 8; col. 8; lines 59-65; col. 11, lines 35-45) and provides the confirming or

aborting message ("*confirm or cancel modifications to logged data*"; For example see Figs.1, 4; Abstract; col. 2, line 65 through col. 3, line 20; col. 12, lines 27-31; col. 17, lines 28-44) to the communications log service (For example see Figs. 1, 3). Therefore, Examiner concludes that Gilbert teaches the arguable features.

Regarding claim 3, Applicant argues that claim 3 should deemed patentable for the reasons set forth with respect to claim 1, with the argument as Gilbert fails to disclose the elements of claim 3. Examiner respectfully disagrees. Gilbert does disclose about the input receive process initializes the input field message, validates and provides with confirming or aborting message such as ABORT, CONFIRM, ISSUERROR ("*validating the operation in the logging service*"; For example see Fig. 4; col. 16, lines 3-15; col. 17, lines 28-44; col. 27, lines 4-19) and tries to recover the non-recoverable error with number of retries (For example see col. 27, lines 20-26); but fails to explicitly teach the "*enable recovery of validated transactional operations*". Ngai discloses the validated transactional operations are stored as redo entries and instance recovery operation is restored for instance failure, e.g. recovery after a crash from redo log, with 'rolling back' the transaction ("*enable recovery of validated transactional operations*"; For example see Figs. 5 and 6; col. 6, lines 25-67; col. 7, lines 1-67; col. 8, lines 1-16) to resolve pending distributed transactions that were undergoing a two-phase commit coordinated by the database at the time of the instance failure. Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to combine the invention as taught by Ngai in the Gilbert's transaction processing system, by implementing the 'rollback' command in the Gilbert's messages, with the motivation being to improve the ability to undoing

the changes or recovering the instance failure on the database, e.g. *"enable recovery of validated*

transactional operations", as disclosed in col. 2; lines 50-60. Therefore, Examiner concludes that

Ngai does not teach a *"contrary method"* to the present invention and the combination of **Gilbert**

and **Ngai** teaches the arguable features.

Claim 2 is rejected as in Part 3 above of this Office action and by virtue of their

dependence from claim 1.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Schaefer et al. (U.S.6,157,927), **Pardon et al.** (U.S.6,671,686), **Chorn, Thomas J.**

(U.S.6,275,843), **J Liang et al.** (Object Management Group object transaction service based on

an X/Open and International Organization for Standardization open systems interconnection

transaction processing kernel, The British Computer Society, 967-1846/97, pages 151-159) and

Sherman, Mark (Architecture of the Encina Distributed Transaction Processing Family,

Transarc Corporation, 1993 ACM 0-89791-592-5/93/0005/0460, pages 460-463) are all cited to

show devices and methods for improving the management database for transaction processing

system in the communication architectures, which are considered pertinent to the claimed

invention.

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).   .

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tri H. Phan, whose telephone number is (703) 305-7444. The

examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chau T. Nguyen can be reached on (571) 272-3126.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

Arlington, VA, Sixth Floor.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Technology Center 2600 Customer Service Office, whose telephone

number is (703) 305-3900.

BRIAN NGUYEN
PRIMARY EXAMINER

Tri H. Phan
April 19, 2005